

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AXSOME THERAPEUTICS, INC., *et al.*,

Plaintiffs,

v.

TEVA PHARMACEUTICALS, INC.,

Defendant.

Civil Action No.

24-6489 (MEF) (LDW)

AMENDED SCHEDULING ORDER

THIS MATTER having come before the Court by way of the parties' January 13, 2025 request for an extension of discovery (ECF 30); and for good cause shown;

IT IS, on this 15th day of January 2025, ORDERED that the Pretrial Scheduling Order entered December 5, 2024 (ECF 27) is hereby amended as follows:

1. Plaintiffs shall serve their Disclosure of Asserted Claims pursuant to L. Pat. R. 3.6(b) on or before **February 21, 2025**.
2. Defendant shall serve its Invalidity Contentions pursuant to L. Pat. R. 3.6(c) on or before **March 24, 2025**.
3. Defendant shall serve its Non-Infringement Contentions pursuant to L. Pat. R. 3.6(e) on or before **March 24, 2025**.
4. Plaintiffs shall serve their Infringement Contentions pursuant to L. Pat. R. 3.6(g) on or before **May 15, 2025**.
5. Plaintiffs shall serve their Responses to Defendant's Invalidity Contentions pursuant to L. Pat. R. 3.6(i) on or before **May 15, 2025**.

6. The parties shall exchange proposed claim terms for construction pursuant to L. Pat. R. 4.1(a) on or before **May 29, 2025**.
7. The parties shall exchange preliminary proposed constructions and identification of extrinsic evidence pursuant to L. Pat. R. 4.2(a) – (b) on or before **June 19, 2025**.
8. The parties shall exchange identifications of all intrinsic and extrinsic evidence they intend to rely upon in opposing any proposed claim construction, pursuant to L. Pat. R. 4.2(c), on or before **July 3, 2025**. The parties shall thereafter meet and confer to narrow the issues in dispute.
9. The parties shall file a Joint Claim Construction and Prehearing Statement pursuant to L. Pat. R. 4.3 (a) – (e) on or before **July 21, 2025**.
10. The parties shall complete fact discovery relating to claim construction pursuant to L. Pat. R. 4.4 on or before **August 21, 2025**.
11. The parties shall file and serve their opening *Markman* submissions pursuant to L. Pat. R. 4.5 (a) on or before **September 4, 2025**.
12. The parties shall complete expert discovery pertaining to *Markman* issues on or before **October 2, 2025**.
13. The parties shall file and serve their responding *Markman* submissions on or before **November 3, 2025**.
14. On or before **November 17, 2025**, the parties shall submit to the Court a proposed schedule for a *Markman* hearing.
15. Defendant shall file its answer and counterclaims to the claims asserted in Civil Action No. 24-10938 (MEF) on or before **March 6, 2025**.

16. Plaintiffs shall file their answer to defendant's counterclaims in Civil Action No. 24-10938 (MEF) on or before **April 7, 2025**.

17. Fact discovery is extended through **February 2, 2026**. No fact discovery shall be issued or engaged in beyond that date, except upon application and for good cause shown.

18. The telephonic status conference before the undersigned on **March 12, 2025 at 2:30 p.m.** will proceed as scheduled. The parties shall submit concise status letters to the Court no later than one week in advance of the conference. Dial-in information for the conference is (973) 437-5535, access code 292 359 520#.

s/ Leda Dunn Wettre
Hon. Leda Dunn Wettre
United States Magistrate Judge